IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

CIVIL REVISION APPLICATION No 1093 of 1998

For Approval and Signature:

Hon'ble MR.JUSTICE J.R.VORA

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1. Whether Reporters of Local Papers may be allowed to see the judgements? : YES

2. To be referred to the Reporter or not? : NO

3. Whether Their Lordships wish to see the fair copy of the judgement? : NO

4. Whether this case involves a substantial question of law as to the interpretation of the Constitution of India, 1950 of any Order made thereunder? : NO

5. Whether it is to be circulated to the concerned Magistrate/Magistrates,Judge/Judges,Tribunal/Tribunals? : NO

CHIMANLAL KESHAVLAL RANA SINCE DECD.THRO HIS HEIRS

Versus

RASIKLAL CHIMANLAL RANA

Appearance:

MR MA KHARADI for Petitioner No. 1

MR PF ADHVARYU for Petitioner No. 1/1-1/3

MR CB DASTOOR for Respondent No. 1

..... for Respondent No. 2

RULE SERVED for Respondent No. 2/1

CORAM : MR.JUSTICE J.R.VORA

Date of decision: 18/02/2003

ORAL JUDGEMENT

Heard the learned Advocate for the parties.

This Revision Application is filed against an order passed below Exh.107 in H.R.P. Suit No. 716/1992 by the learned Small Cause Judge, Court No.4, on 20th March, 1998. The present petitioner - original defendant No.1 moved an application to amend the written statement. The said application came to be rejected on the ground that the defence if allowed to be amended, will change the nature of the defense.

In view of the amendment in Section 115(1) of the Civil Procedure Code, this Revision Application is preferred against an interlocutory order passed by the learned Trial Judge, the Revision Application would not be maintainable.

In this view of the matter, this Revision Application stands dismissed as the same is not maintainable. Rule is discharged. Interim relief granted earlier shall stand vacated.

(J.R. Vora, J.)

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